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## 6 IN THE UNITED STATES DISTRICT COURT

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## 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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CHRISTOPHER WAGNER,

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Plaintiff,

No. C 13-04952 WHA

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v.  
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DIGITAL PUBLISHING  
CORPORATION, a Delaware corporation,  
*et al.*,

Defendants.

**ORDER RE MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT AND CONTINUING  
HEARING TO OCTOBER 2, 2014**

In his second motion for partial summary judgment, plaintiff denies that he consented to receiving the four spam e-mails at issue. He further argues that *even if* he consented to receive e-mails from “third party entities, Contact 101 Inc. and PayDayBob,” he did not directly consent to receiving e-mails or advertisements from any of the Spire Vision companies (Br. at 1–2).

In their opposition, defendants claim that they require additional time to determine whether plaintiff consented to receiving the spam e-mails. In addition to pursuing discovery related to the opt-in received from IP address 159.150.101.117, which plaintiff claims was never assigned to him, defendants also claim that plaintiff admitted to using numerous e-mail addresses in a deposition and that they are entitled to conduct discovery on how plaintiff received the various e-mails and whether he opted-in with some with some other e-mail address (Opp. at 14; Neta Decl., Exh. A).

As the discovery deadline in this action has not yet passed, defendants shall have three weeks to complete discovery on the issue of consent (direct or otherwise) and any other issues

1 necessary to oppose plaintiff's second motion for partial summary judgment. No extensions will  
2 be given. If plaintiff does not fully cooperate with discovery, however, the motion will be  
3 denied on that ground alone. The hearing on the second motion for partial summary judgment  
4 will be continued to **8:00 A.M. AT OCTOBER 2, 2014.**

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6 **IT IS SO ORDERED.**

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8 Dated: August 11, 2014.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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